

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: CR 03-251-01

FILED**JOHN MAKO**

JENIFER WICKS
Defendant's Attorney

FEB 24 2006**THE DEFENDANT:**CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

Pleaded guilty to Count(s) ONE(1) & TWO(2) OF THE INDICTMENT on JULY 23 2003.

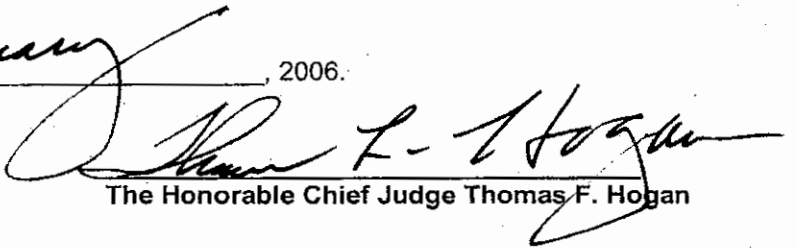
Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count(s)</u>
21 USC 846 & 841 (a)(1) AND (b)(1)(A)(viii)	CONSPIRACY TO DISTRIBUTE AND POSSESSION WITH INTENT TO DISTRIBUTE 50 GRAMS OR MORE OF COCAINE METHAMPHETAMINE	3/21/03	ONE(1)
21 USC 846 & 841(a)(1) &(b)(1)(A)	CONSPIRACY TO DISTRIBUTE AND POSSESSION WITH INTENT TO DISTRIBUTE 5 KILOGRAMS OR MORE OF COCAINE	3/21/2003	TWO(2)

As pronounced on 2/17/06, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 22 day of February, 2006.

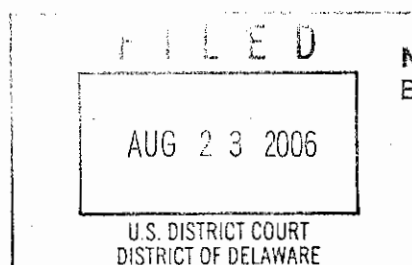

The Honorable Chief Judge Thomas F. Hogan

Defendant's Soc. Sec. No.:
Defendant's Date of Birth:
Defendant's USM No.:
Defendant's Residence and Mailing Address:

United States District Court
For the District of Columbia

A TRUE COPY

NANCY MAYER WHITTINGTON, Clerk

By 
Deputy Clerk

Defendant: JOHN MAKO

Case Number: CR 03-251-01

Judgment - Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **TWELVE (12) MONTHS ON COUNTS 1 & 2 WITH CREDIT FOR TIME SERVED. BOTH COUNTS ARE TO RUN CONCURRENT WITH EACH OTHER.**

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

As notified by the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By: _____
Deputy Marshal

Defendant: JOHN MAKO

Judgment - Page 3 of 4

Case Number: CR 03-251-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **FIVE (5) YEARS ON BOTH COUNTS TO RUN CONCURRENT WITH EACH OTHER.**

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
5. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
6. You will notify the probation officer at least ten days prior to any change of residence or employment.
7. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, distribute or administer any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
8. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
9. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
10. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
11. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
12. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
13. you will not possess a firearm, destructive device, or other dangerous weapon.

ADDITIONAL CONDITIONS:

FIREARMS PROHIBITION- THE DEFENDANT SHALL NOT POSSESS, HAVE UNDER HIS CONTROL, OR HAVE ACCESS TO ANY FIREARM, EXPLOSIVE DEVICE, OR OTHER DANGEROUS WEAPONS, AS DEFINED BY FEDERAL, STATE OR LOCAL LAW.

SUBSTANCE ABUSE TREATMENT- THE DEFENDANT SHALL PARTICIPATE IN, AND SUCCESSFULLY COMPLETE, A RESIDENTIAL AND /OR OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAM, WHICH MAY INCLUDE DRUG TESTING AND DETOXIFICATION SERVICE, AS APPROVED AND DIRECTED BY THE PROBATION OFFICE.

DNA REQUIREMENTS- THE DEFENDANT SHALL SUBMIT A DNA SAMPLE AS DIRECTED BY THE PROBATION OFFICE.

IT IS FURTHER ORDERED, THAT THE SEALING ORDER PREVIOUSLY ENTERED IN THIS CASE IS HEREBY VACATED AND THE CASE IS UNSEALED EFFECTIVE TODAY.

THE PROBATION OFFICE SHALL RELEASE THE PRESENTENCE INVESTIGATION REPORT TO ALL APPROPRIATE AGENCIES IN ORDER TO EXECUTE THE SENTENCE OF THE COURT. TREATMENT AGENCIES SHALL RETURN THE PRESENTENCE REPORT TO THE PROBATION OFFICE UPON THE DEFENDANT'S COMPLETION OR TERMINATION FROM TREATMENT.

NOTICE OF APPEAL- THE DEFENDANT HAS THE RIGHT TO APPEAL THE SENTENCE IMPOSED BY THE COURT. IF THE DEFENDANT CHOOSES TO APPEAL, THE DEFENDANT MUST DO SO WITHIN 10 DAYS AFTER THE COURT HAS ENTERED JUDGEMENT IN THIS CASE. IF THE DEFENDANT IS UNABLE TO AFFORD THE COST OF AN APPEAL, THE DEFENDANT MAY REQUEST PERMISSION FROM THE COURT TO FILE AN APPEAL **IN FORMA PAUPERIS-** THAT IS WITHOUT COST TO HIM.

Defendant: JOHN MAKO

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Case Number: CR 03-251-01

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine; (4) cost of prosecution; (5) interest; (6) penalties.

ASSESSMENT

\$200.00

RESTITUTION

\$0.00

FINE

\$0.00

ASSESSMENT

It is ordered that the defendant shall pay to the United States a special assessment of \$0 for Count(s) ONE AND TWO, which shall be due immediately.

If the fine and/or restitution is not paid, the Court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. Pursuant to 18 U.S.C. §§ 3572(d)(3) and 3664(k), the defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution. As set out in 18 U.S.C. § 3664(n), if the defendant receives substantial resources from any source, including inheritance, settlement, or other judgment, during the period of incarceration, the defendant shall apply the value of such resources to any restitution or fine still owed.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 Constitution Ave., N.W., Rm. 1825, Washington, D.C. 20001, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

Attachment---Statement of Reason

DEFENDANT: USA v. John Mako
CASE NUMBER: Cr. 03- 0251
DISTRICT:

STATEMENT OF REASONS

(Not for Public Disclosure)

I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- A ☒ The court adopts the presentence investigation report without change.
- B ☐ The court adopts the presentence investigation report with the following changes.
(Check all that apply and specify court determinations, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.) (Use page 4 if necessary.)
- 1 ☐ Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):
- 2 ☐ Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- 3 ☐ Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- 4 ☐ Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions).
- C ☐ The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.

II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

- A ☐ No count of conviction carries a mandatory minimum sentence.
- B ☐ Mandatory minimum sentence imposed.
- C ☒ One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
- ☐ findings of fact in this case
- ☒ substantial assistance (18 U.S.C. § 3553(e))
- ☐ the statutory safety valve (18 U.S.C. § 3553(f))

III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES)

Total Offense Level: 33

Criminal History Category: 1

Imprisonment Range: 135 to 168 months

Supervised Release Range: 5 to — years

Fine Range: \$7,500 to \$8,000,000

☒ Fine waived or below the guideline range because of inability to pay.

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS

(Not for Public Disclosure)

IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- A ☐ The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.
- B ☐ The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons. (Use page 4 if necessary.)
- C ☒ The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.)
- D ☐ The court imposes a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (if applicable)

- A The sentence imposed departs (Check only one.):
☐ below the advisory guideline range; or
☐ above the advisory guideline range.
- B Departure based on (Check all that apply.):
- 1 Plea Agreement (Check all that apply and check reason(s) below.):
☒ 5K1.1 plea agreement based on the defendant's substantial assistance;
☐ 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program;
☐ binding plea agreement for departure accepted by the court;
☐ plea agreement for departure, which the court finds to be reasonable;
☐ plea agreement that states that the government will not oppose a defense departure motion.
 - 2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):
☒ 5K1.1 government motion based on the defendant's substantial assistance;
☐ 5K3.1 government motion based on Early Disposition or "Fast-track" program;
☐ government motion for departure;
☐ defense motion for departure to which the government did not object;
☐ defense motion for departure to which the government objected.
 - 3 Other
☐ Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.)

- | | | |
|--|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy | <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.11 Lesser Harm |
| <input type="checkbox"/> 5H1.1 Age | <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.12 Coercion and Duress |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.13 Diminished Capacity |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.14 Public Welfare |
| <input type="checkbox"/> 5H1.4 Physical Condition | <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> 5H1.5 Employment Record | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> 5H1.11 Military Record, Charitable Service,
Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders |
| | | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
| | | <input type="checkbox"/> Other guideline basis (e.g., 2B1.1 commentary) |

Explain the facts justifying the departure. (Use page 4 if necessary.)

AO 245B (Rev. 06/05) Criminal Judgment
Attachment (Page 3) - Statement of Reason

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS

(Not for Public Disclosure)

VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM

(Check all that apply.)

A The sentence imposed is (Check only one.):

- ☐ below the advisory guideline range; or
☐ above the advisory guideline range.

B Sentence imposed pursuant to (Check all that apply.):

1 Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ binding plea agreement for a sentence outside the advisory guideline system accepted by the court;
☐ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable;
☐ plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the guideline system.

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ government motion for a sentence outside of the advisory guideline system,
☐ defense motion for a sentence outside of the advisory guideline system to which the government did not object;
☐ defense motion for a sentence outside of the advisory guideline system to which the government objected.

3 Other

- ☐ Other than a plea agreement or motion by the parties for a sentence outside of the guideline system (Check reason(s) below.):

Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)

- ☐ the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1);
☐ to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A));
☐ to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B));
☐ to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C));
☐ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D));
☐ to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6));
☐ to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7)).

Explain the facts justifying a sentence outside the advisory guideline system. (Use page 4 if necessary.)

DEFENDANT:

CASE NUMBER:

DISTRICT:

STATEMENT OF REASONS

(Not for Public Disclosure)

VII COURT DETERMINATIONS OF RESTITUTIONA ☒ Restitution Not Applicable.

B Total Amount of Restitution: \$ _____

C Restitution not ordered (Check only one.):

1 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).2 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).3 ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).4 ☐ Restitution is not ordered for other reasons. (Explain)D ☐ Partial restitution is ordered under 18 U.S.C. § 3663(c) for these reasons:**VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (if applicable).**

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: _____ Date of Imposition of Judgment 2-17-06

Defendant's Date of Birth: _____

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

Signature of Judge

Thomas F. Hogan

Name and Title of Judge

Chief JudgeDate Signed 2-22-06